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Attorney for Plaintiffs and Certified Classes

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

DANA GOLD, TAMMY EMERY, MARY LOUISE FERENCE, LAURA NORRIS, DONALD FURSMAN, and JOHN TRIANA, on behalf of themselves and all others similarly situated,

Case No. 3:14-cv-05373-RS

**DECLARATION OF JEFFREY B.
CEREGHINO IN SUPPORT OF
PLAINTIFFS' MOTION FOR FEES AND
EXPENSES**

Plaintiffs,

CLASS ACTION

LUMBER LIQUIDATORS, INC., a Delaware corporation; and DOES 1 through 200, inclusive,

Complaint Filed: December 8, 2014
Fifth Am. Compl. Filed: February 2, 2018

1 I, Jeffrey B. Cereghino, declare as follows:

2 1. I am a former partner in the law firm of Ram, Olson, Cereghino and Kopczynski.
3 (ROCK) a dissolved law firm. As a member of ROCK I was co-Lead counsel for the Plaintiffs and
4 certified classes, and remain so in my present law firm. Cereghino Law Group. I am admitted to
5 practice before this Court and a member in good standing of the bar of California. I respectfully
6 submit this declaration in support of my firm's application for an award of attorneys' fees and
7 expenses in connection with services rendered in the above-entitled action. I have personal
8 knowledge of the facts set forth in this declaration, and could testify competently to them if called
9 upon to do so.

10 2. ROCK keeps contemporaneous billing records for lawyers and paralegals working
11 on any case. The time records supporting our fee request were prepared from daily time records
12 maintained by my firm.

13 3. ROCK has incurred **\$73,258.24** in costs in prosecuting this case. We have not been
14 reimbursed for any costs incurred. All costs expended were totally at risk.

15 4. ROCK has logged 1412.08 hours in this case. At our present billing rates, our lodestar
16 is **\$1,057,497**. Our billing rates are consistent with rates for similar work by attorneys of similar
17 experience and background in the San Francisco Bay area, and have been approved by other courts.

18 5. Attached hereto as Exhibits A is a chart for hours billed by legal professionals at
19 ROCK.

20 6. Attached hereto as Exhibit B is a chart reflecting expenses paid by ROCK to date.
21 ROCK maintains detailed expense records, assembled from invoices, expense logs, bank records
22 and other expense records, and therefore represent an accurate accounting of our expenses to date.

23 7. ROCK's hourly billing rate for contingent matters is set forth also on Exhibit A.

24 8. The work performed by ROCK was substantial and essential to the prosecution of
25 this case.

- 26 • Beginning in August 2018, ROCK investigated the claims from Ms. Gold
27 involving Lumber Liquidators bamboo flooring products.
- 28 • ROCK spent approximately \$34,000 on investigators in the summer and

early fall of 2014 to interview Lumber Liquidator customers as part of the due diligence investigation to determine the merits of the case.

- ROCK met with several potential class representatives, including Ms. Gold, extensively interviewing her and inspecting her home.
 - ROCK drafted and sent Lumber Liquidators the required notice pursuant to the Consumer Legal Remedies Act.
 - ROCK filed the first complaint in this action in
 - December 2014. The complaint was filed in the United States District Court for the Northern District of California.
 - ROCK extensively reviewed public records concerning the product at issue, along with extensive interviews with Lumber Liquidator customers.
 - ROCK researched and located consultants who specialized in bamboo flooring manufacturing, bamboo flooring inspection and troubleshooting, flooring repair and replacement cost experts, and materials scientists among others topics.
 - In January 2015, ROCK negotiated with other counsel, including present co-lead counsel Cuneo, Gilbert and Gilbert and others a joint prosecution agreement and an organizational structure amongst all of the class counsel.
 - Prepared for, drafted mediation brief, and met with defense counsel for early informal mediation.
 - Defend some class representative depositions, and create template for defense of other class representatives.
 - Organize class counsels' task allocation.
 - Attend all case management conferences.
 - Respond to discovery requests.
 - Drafting and editing various discovery requests.
 - Draft opposition to Motion to Dismiss/Motion to Strike
 - Argue Motion to Dismiss/Motion to Strike

- Draft amended complaint
- Draft 3rd party subpoenas
- Negotiate with defense document production issues.
- Depose numerous Lumber Liquidator employees.
- Review discovery provided by Lumber Liquidators.
- Preparation of class certification briefing and argue class certification.
- Communication with experts re certification declarations and reports.
- Defend expert depositions.
- Draft opposition to Daubert motion.
- Assist in drafting certification reply brief
- Review and draft opposition to Motion to Transfer
- Draft multiple mediation statements.
- Attend every mediation (5)
- Work with claims administrator re litigation class notice.
- Draft and edit opposition to 23f petition.
- Detailed communication with defendant regarding claims made analysis.
- Draft class notices and claims documents.
- Negotiate numerous different settlement proposals with defendant.
- Draft portions of opposition to Motion for Summary Judgment.
- Numerous communications with class members.

9. The total lodestar ROCK lodestar in this case is \$1,057,949.

I declare under penalty under the laws of the United States of America the foregoing is true
and correct.

EXECUTED at Grass Valley, Nevada, this 15th day of April, 2020.

/s/ Jeffrey B. Cereghino
Jeffrey B. Cereghino